



BOB RILEY
GOVERNOR

**STATE OF ALABAMA
DEPARTMENT OF INSURANCE**

State Fire Marshals Office
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Walter A. Bell
Commissioner

Acting State Fire Marshal
Richard W. Montgomery

IMPORTANT NOTICE

January 1, 2004

TO: All Public Display Applicants

FROM: Richard Montgomery
Acting State Fire Marshal

RE: Deadline for Submission
Public Fireworks Display Applications

Section 8-17-216(b), Code of Alabama, 1975 states in part, "Applications for a state permit for a public display must be made in writing to the state fire marshal **at least 10 days** (emphasis added) before the display date."

The responsibility for obtaining the permit lies with the person, company, or organization who wishes to have the display. If there is any question regarding the ability of an applicant to get the application and fee into the State Fire Marshal's Office by the applicable deadline, the application and fee should either be hand delivered or sent by guaranteed delivery service. **This office does not rely upon the date on which an application and fee are sent, but upon the date received, in determining compliance with this law.**

Section 8-17-213, Code of Alabama, 1975, states in part, "No person shall deliver, sell or ship fireworks into or within the state of Alabama unless the consignee produces the required permit or evidence that the consignee holds said permit."

Manufacturers and distributors are responsible for determining that a display permit has been issued before they deliver, sell, or ship fireworks into or within this state.

The permit applicant, public display sponsor, and the person or company conducting the public fireworks display shall comply with all applicable sections of the currently adopted National Fire Protection Association Code for the Outdoor Display of Fireworks (NFPA 1123) and the Code for the Manufacture, Transportation and Storage of Fireworks (NFPA 1124).

These sections of state law regarding fireworks are very clear, as is this office's intentions to abide by the provisions of the law. Applicants and permit holders will likewise be expected to abide by these and all other sections of the state fireworks law.

If there are any questions concerning the intent or meaning of this notice, contact the State Fire Marshal's Office immediately at (334) 241-4166.

PUBLIC DISPLAYS

Definition of terms. As used in this Article, the following terms shall have the meanings ascribed to them in this section, unless clearly indicated otherwise.

- (1) Distributor. Any person engaged in the business of making sales of fireworks for resale to all holders of the required Alabama permits who in turn shall resell to any permit holder; or any person who receives, brings, or imports any fireworks of any kind into the state of Alabama, except to a holder of an Alabama Manufacturer's or Distributor's permit.
 - (2) D.O.T. Class C Common Fireworks. All articles of fireworks as are now or hereafter classified as D.O.T. Class C Common Fireworks in the regulations of the U. S. Department of Transportation for the transportation of explosive and other dangerous articles.
 - (3) Manufacturer. Any person engaged in the making, manufacture or construction of fireworks of any kind within the state of Alabama.
 - (4) Permit. The written authority of the state fire marshal issued under the authority of this Article.
 - (5) Person. Includes any corporation, association, copartnership or one or more individuals.
 - (6) Retailer. Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during a calendar year from January 1 through December 31.
 - (7) Sale. An exchange of articles of fireworks for money, including barter, exchange, gift or offer thereof, and each such transaction made by any person, whether as principal proprietor, salesman, agent, association, copartnership or one or more individuals.
 - (8) Fireworks Seasons. The dates of June 20 through July 10 and December 15 through January 2 of each year shall be the only period when seasonal retailers may sell fireworks.
 - (9) Seasonal Retailer. Any person engaged in the business of making sales of fireworks to consumers within the state of Alabama during the fireworks season(s) only, from permanent buildings or temporary or moveable stands.
 - (10) Special Fireworks. All articles of fireworks that are classified as Class B explosives in the regulations of the U. S. Department of Transportation, including all articles classified as fireworks other than those classified as Class C.
 - (11) Wholesaler. Any person engaged in the business of making sales of fireworks to any other person engaged in the business of making sales at seasonal retail.
- (a) An application must be submitted to the State Fire Marshal's Office at 201 Monroe Street, Suite 1790, Post Office Box 303352, Montgomery, Alabama 36130-3352, for each permit required for each public fireworks display. Applications must be completed in their entirety and a check for the correct fee must accompany the application. The fee for a public fireworks display permit issued ten (10) days prior to the event is \$50.00. The fee for a public fireworks display issued less than ten (10) days prior to the event is \$100.00. These permits are valid for the date specified thereon only. **Check or Money Order only to be submitted, payable to State Fire Marshals Fund. Cash is not accepted.**
 - (b) No permit will be issued to anyone under 18 years of age.
 - (c) No sales of any type are permitted with this permit.
 - (d) An accurate record of each shipment received must be maintained by the holder of a public fireworks display permit.
 - (e) This permit does not replace or relieve any person of state, county, or municipal privilege licenses as now or hereafter provided by law.

- (f) Each permit applicant must meet any and all requirements of the Alcohol, Tobacco and Firearms Division of the U. S. Treasury Department for the shipping, sale, possession and use of special fireworks for public displays. The applicant must also secure any permit or license required by them before making application for a state display permit.
- (g) Application for a public display permit must be made in writing at least ten (10) days before the display date.
- (h) The applicant must certify that the proposed display is to be so located and supervised that it shall not be hazardous to property and that it shall not endanger human lives.
- (i) If the display is to be performed within the limits of a municipality, the application must bear the signed approval of the chief supervisory officials of the fire and police departments of such municipality.
- (j) Permits are not transferable.
- (k) Possession and sale of special fireworks shall be limited to a holder of a federal license issued for display fireworks.
- (l) Only the holder of a distributor's permit is permitted to sell fireworks to the holder of a public fireworks display permit. Wholesalers, manufacturers, retailers, or seasonal retailers may not sell fireworks to the holder of a public fireworks display permit unless the seller also possesses a distributor's permit. It is the applicant's responsibility to ensure the company they are purchasing their special fireworks from holds a valid fireworks distributor's permit issued by the State Fire Marshal's Office.
- (m) The line on the fireworks application requesting PERSON OR COMPANY CONDUCTING DISPLAY shall mean the person or company who will actually shoot the fireworks. This must be someone trained in the proper setup and shooting of Class B fireworks.
- (n) The permit applicant, public display sponsor, and the person or company conducting the public fireworks display shall comply with all applicable sections of the currently adopted National Fire Protection Association Code for the Outdoor Display of Fireworks (NFPA 1123) and the NFPA Code for the Manufacture, Transportation and Storage of Fireworks (NFPA 1124).

Revised 10/1/03